IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

      Coolman

Application No.: 10/747,929

Filed: 12/30/2003

For: SYSTEMS AND METHODS FOR ORDERING FROM MULTIPLE VENDORS

Examiner: Misiaszek, Michael

Technology Center/Art Unit: 3625

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

      This Brief is presented in support of the Notice of Appeal from the final rejection of Claims 1-20 of the above-identified application, as set forth in the Final Office Action.

REAL PARTY OF INTEREST

      The Real Party of Interest is Electronic-Co, Inc. dba Networld Exchange.

RELATED APPEALS AND INTERFERENCES

      There are no related appeals or interferences for the above-referenced patent application.

STATUS OF CLAIMS

      Claims 1-20 are pending and are the subject of this Appeal. All claims have been rejected. Claims 1-20 are the subject of this appeal. No other claims are pending.

STATUS OF AMENDMENTS

      All claims as renumbered were rejected in a Final Office Action. A Notice of Appeal was filed requesting a Pre-Appeal Brief Request for Review. The application remains under appeal.

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SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter relates to systems and methods to support an electronic market place include a communication network to communicate purchase requests; one or more buyers coupled to the network to issue a purchase order specifying items from two or more suppliers; and a server coupled to the network to receive the purchase order, the server generating sub-orders from the purchase order and sending the sub-orders to the two or more suppliers for fulfillment (Page 3, lines 2-7).

Claim 1 recites a system to support an electronic market place with a communication network to communicate purchase requests; one or more buyers coupled to the network to issue a purchase order specifying items from two or more suppliers; and a server coupled to the network to receive the purchase order, the server accessing a Central Contract Registry (CCR) for supplier data and generating sub-orders from the purchase order and sending the sub-orders to the two or more suppliers for fulfillment and paying the suppliers based on CCR data.(embodiments are described in Figs. 1A-1B, Figs. 4-5, page 5, line 5- page 9, line 2,page 13, line 16-page 15 line 15).

Claim 2 recites means for receiving an acceptance from a vendor; means for accessing data from a CCR Database to retrieve vendor payment data; and means for paying the vendor using the CCR database (embodiments are described in Figs. 4-9, page 5, line 5- page 9, line 2, page 13 line 16-page 17 line 15).

Claim 3 recites a means for keeping a local copy of the CCR database in a system database. (embodiments are described on page 20, lines 14-15).

Claim 4 recites means for importing the CCR data into a public data storage and a private data storage (embodiments are described in Fig. 6, page 5, line 5- page 9, line 2, page 15, lines 9-16).

Claim 5 recites that the importing means further comprises means for transferring data over a secure protocol (embodiments are described on page 14, lines 11-15).

Claim 6 recites means for using the CCR data to Register Vendors, Search and Select Vendors for solicitation of services and/or delivery of supplies; View Vendor Profile; Search Vendor Profile; or Electronically Transfer Funds for outstanding account payable (embodiments are described in Figs. 6-9, page 5, line 5- page 9, line 2, page 15, line 15-page 17, line 20).

Claim 7 recites that the vendor registration further comprises means for validating the vendor's DUNS/CAGE data and contact data in the CCR (embodiments are described in Figs. 6-8, page 15, line 15-page 16, line 19).

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Claim 11 recites a computer-implemented method to fulfill an order by receiving an electronic purchase order specifying items from two or more suppliers; accessing a Central Contract Registry (CCR) for data on the suppliers, and generating sub-orders from the purchase order and sending the sub-orders to two or more suppliers for fulfillment (embodiments are described in Fig. 4, page 5, line 5- page 9, line 2, page 13, line 16-page 14 line 19).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I.   CLAIMS 1, 2, AND 11-12 ARE UNPATENTABLE UNDER 35 U.S.C. 103(A) OVER BYRNE (US 2005/0060235) IN VIEW OF MCLAUCHLIN (US 6,754,672)

II.   CLAIMS 3-5 AND 13-15 ARE UNPATENTABLE UNDER 35 U.S.C. 103(A) OVER BYRNE, MCLAUCHLIN IN VIEW OF KING (US 5,319,542)

III. CLAIMS 6-8 AND 16-18 ARE UNPATENTABLE UNDER 35 U.S.C. 103(A) OVER BYRNE, MCLAUCHLIN IN VIEW OF GIESELMANN (US 2004/0117263).

IV.   CLAIMS 9 AND 19 ARE UNPATENTABLE OVER BYRNE, MCLAUCHLIN AND GOODMAN (US 2003/0088475).

V.   CLAIMS 10 AND 20 ARE UNPATENTABLE OVER BYRNE, MCLAUCHLIN, GIESELMANN, KING AND MUSCAVAGE (US 2003/0126036)

ARGUMENT

I. CLAIMS 1, 2, AND 11-12 ARE PATENTABLE OVER BYRNE IN VIEW OF
MCLAUCHLIN
Claims 1, 2, and 11-12 were rejected over Byrne and McLauchlin. The Office Action noted that:

Byrnes discloses a system and method to support an electronic market place comprising:
•   a communication network to communicate purchase requests (at least paragraph [0040])
•   one or more buyers coupled to the network to issue a purchase order specifying items from two or more suppliers (at least Abstract)
•   a server coupled to the network to receive the purchase order, the server generating sub-orders from the purchase order and sending the sub-orders to the two or more suppliers for fulfillment (at least paragraphs [0027] and [0036]: Hub or central server which handles sending of sub orders to merchants)
•   receiving an acceptance from the vendor (at least paragraph [0052]: vendor acknowledges order and ships product)
Byrne does not disclose:

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- accessing data from a Central Contract Registry (CCR) Database to retrieve vendor payment data
- paying the vendor using the CCR database

McLauchlin teaches that it is known to include accessing the Central Control Registry Database to retrieve vendor data (at least column 1, lines 43-64: agent uses CCR to retrieve vendor data) and paying the vendor using the data (at least column 1, lines 43-64: agent finalizes order) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the accessing of the CCR Database to retrieve vendor payment data and paying a vendor using that data, as taught by McLauchlin, since such a modification would have provided a way to integrate government systems to the into the public sector to aid procurement systems (at least column 1, lines 22-42 of McLauchlin).

Applicant respectfully traverses the assertion. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Byrne relates to a server acting as the hub of a collaborative commerce system. Suppliers of goods or services self publish information to the hub. Buyers are able to query the hub for product and service availability, price etc. Buyers are able to integrate real time multi product and multi service orders from multiple suppliers, carriers and field serve providers and thus secure available goods as well as the delivery and installation of those goods from the records available on the hub. Once an order is complete to the buyer's satisfaction, the order is transmitted to the hub. The hub then transmits the appropriate information to the relevant suppliers, carriers and installers as required. The system also provides for a system of virtual partitioning of a supplier's inventory.

McLauchlin relates to an interoperability engine that dynamically generates and updates an application, a web based portal, and a baseline data schema from a data source and supplemental data source. McLauchlin's Col. 1, lines 43-64 discloses that vendor data may be stored in a CCR system as follows:

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Each system provides value to the corresponding federal organization in automating the individual processes and functions for which they are designed. However, the functions of these systems often overlap, or need to interoperate. Consider the simple example of buying a desk. A procurement system generates the purchase order, but the procurement process requires interoperability with several other systems. For instance, the purchasing agent may desire to post solicitation information to FedBizOpps to solicit bids. Further, as part of the procurement decision process, the purchasing agent is required to consider the past performance of potential vendors, for example, by accessing past performance systems such as the NIH past performance system. The purchasing agent may require additional detailed vendor data, which may be stored in a CCR system. Further, before an order is finalized, the organization's financial system needs to be polled to ensure that funds are available in the budget for the purchase and to obligate money for the ensuing payment. The purchasing agent may also need to report order data to FPDS. A property manager may also want to track the newly purchased item as a fixed asset in a property management system.

However, neither Byrne nor McLauchlin singly or in combination teaches or suggests a system to support an electronic market place with a communication network to communicate purchase requests; one or more buyers coupled to the network to issue a purchase order specifying items from two or more suppliers; and a server coupled to the network to receive the purchase order, the server accessing a Central Contract Registry (CCR) for supplier data and generating sub-orders from the purchase order and sending the sub-orders to the two or more suppliers for fulfillment and paying the suppliers based on CCR data.

Although Byrne and McLauchlin show similarity to claim 1, combining Byrne with McLauchlin would not result in the claimed system. McLauchlin's objective is to provide for a system that allows internal government systems (e.g., program systems including customer relationship management, internal operations, and administrative systems including finance, procurement, property, asset sales, and grants) and external government systems (e.g., FedBizOpps, CCR, FPDS or the Federal Acquisition Management Information System) to communicate and exchange messages and allows **an end user to access** the plurality of disparate legacy, current, and emerging government application systems from a point of entry web-based portal in a computer communications network. Thus, the combined system would allow the purchasing agent to post solicitation information to FedBizOpps to solicit bids or to access past performance systems such as the NIH past performance system or may view detailed vendor data, which may be stored in a CCR system or to check that funds are available in the budget for the purchase and to obligate money for the ensuing payment or to report order data to FPDS or to track the newly purchased item as a fixed asset in a property management system.

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However, the combination would suggest that the purchasing can view CCR data as part of his or her purchasing decision. However, the combination fails to teach automatically using CCR data as part of the sub-order processing and payment. Hence, there is no teaching or suggestion to modify Byrne to arrive at the invention as claimed. There is no reasonable expectation of success since the needs of viewing data from various sources differ from the needs of automatically ordering and paying multiple vendors using CCR data.

Byrne and McLauchlin take mutually exclusive paths and reaches different solutions to a different problem than the claimed invention. Here, it would be necessary to make modifications not taught in the prior art in order to modify the prior art in the manner suggested since McLauchlin teaches human viewing of CCR data and not automated processing of CCR data to order and to pay vendors. As McLauchlin teaches away from the invention, it would not be obvious to modify Byrne to arrive at the invention as claimed.

The revidence shows that the reference used to reject the claims teaches away from the claimed invention since the proposed combination would render the construction of the references impracticable for their intended purposes and the combination would be uneconomical and unreliable. This teaching away is a per se demonstration of lack of *prima facie* obviousness. The teaching away is the antithesis of the art suggesting that the person of ordinary skill go in the claimed direction. In re Fine, 873 F.2d 1021 (Fed. Cir. 1988).

The rebuttal evidence also shows that there is no basis in the art for combining the references in the manner proposed. Per MPEP Section 2143.01:

> Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In *In re Kotzab*, the claims were drawn to an injection molding method using a single temperature sensor to control a plurality of flow control valves. The primary reference disclosed a multizone device having multiple sensors, each of which controlled

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an associated flow control valve, and also taught that one system may be used to control a number of valves. The court found that there was insufficient evidence to show that one system was the same as one sensor. While the control of multiple valves by a single sensor rather than by multiple sensors was a "technologically simple concept," there was no finding "as to the specific understanding or principle within the knowledge of the skilled artisan" that would have provided the motivation to use a single sensor as the system to control more than one valve. 217 F.3d at 1371, 55 USPQ2d at 1318.

In *In re Fine*, the claims were directed to a system for detecting and measuring minute quantities on nitrogen compounds comprising a gas chromatograph, a converter which converts nitrogen compounds into nitric oxide by combustion, and a nitric oxide detector. The primary reference disclosed a system for monitoring sulfur compounds comprising a chromatograph, combustion means, and a detector, and the secondary reference taught nitric oxide detectors. The examiner and Board asserted that it would have been within the skill of the art to substitute one type of detector for another in the system of the primary reference, however the court found there was no support or explanation of this conclusion and reversed.

The instant case is similar to *In re Fine* in that the Office Action asserted that it would have been within the skill of the art to substitute viewing of CCR with using CCR to order and to pay in the system of the primary reference. In this case, there was no support or explanation of this conclusion and the rejection should be withdrawn.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The evidence also noted that the combination of references proposed in the Office Action would render the construction of the references impracticable for their intended purposes. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In*

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re *Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In this case, there is no motivation to combine as discussed in detail above.

Moreover, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (Claims were directed to an apparatus for producing an aerated cementitious composition by drawing air into the cementitious composition by driving the output pump at a capacity greater than the feed rate. The prior art reference taught that the feed means can be run at a variable speed, however the court found that this does not require that the output pump be run at the claimed speed so that air is drawn into the mixing chamber and is entrained in the ingredients during operation. Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references). In this case, there is no suggestion or motivation to combine as suggested by the Office Action.

Further, the evidence also indicates that there was no reasonable expectation of success when combining the references. Evidence showing there was no reasonable expectation of success may support a conclusion of nonobviousness. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976) (Claims directed to a method for the commercial scale production of polyesters in the presence of a solvent at superatmospheric pressure were rejected as obvious over a reference which taught the claimed method at atmospheric pressure in view of a reference which taught the claimed process except for the presence of a solvent. The court reversed, finding there was no reasonable expectation that a process combining the prior art steps could be successfully scaled up in view of unchallenged evidence showing that the prior art processes individually could not be commercially scaled up successfully.). *See also Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207-08, 18 USPQ2d 1016, 1022-23 (Fed. Cir.), cert. denied, 502 U.S. 856 (1991) (In the context of a biotechnology case, testimony supported the conclusion that the references did not show that there was a reasonable expectation of success.); *In re O'Farrell*, 853 F.2d 894, 903, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988) (The court held the claimed method would have been obvious over the prior art relied upon because one reference contained a detailed enabling

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methodology, a suggestion to modify the prior art to produce the claimed invention, and evidence suggesting the modification would be successful.).

As Byrne or McLauchlin, singly or in combination, does not teach or suggest all the claim limitations in the independent claims, they also fail as to each dependent claim. Since the teaching or suggestion to make the claimed combination and the reasonable expectation of success is not found in Byrne, there is an inference that it came from Applicants' disclosure. Thus, Byrne and McLauchlin cannot render obvious this independent claim and those claims dependent therefrom.

II.   CLAIMS 3-5 AND 13-15 ARE PATENTABLE OVER BYRNE, MCLAUCHLIN AND KING

Each dependent claim is patentable over the cited art because they depend from allowable claim 1. Additionally, King fails to show the limitations recited in claims 3-5. King teaches an Electronic Catalogue includes a Public Catalog and a Private Catalogue. The Public Catalog is stored on a publicly available database for access by customer/Requestors. The Private Catalogue is resident on a Customer's computer system and may contain unique pricing data based on pricing agreements.

First, as to claim 3, King's claim 13 for "downloading the catalog database to a Customer/Requestor computer system; modifying said catalog database to create a private catalog, said private catalog containing data different than said downloaded catalog database;" does not show the instant claim 3's keeping a local copy of the CCR database in a system database.

As to claim 4, the King private catalog does not correspond to the instant claim 4's importing the CCR data into a public data storage and a private data storage. Here, in one implementation discussed on pages 16-17 of the Specification, the "CCR public data and private data are retrieved from the system database 360. The public data is used to determine the vendor's business name and mailing address (400). The private data is used to determine the vendor's EFT information such as Routing Number and Account number, among others (402). The contact information and bank information (vendor payment information) is provided to an accounting system (in this embodiment a Costpoint system) through an interface 410." Hence, public and private information are not duplicates of each other. In contrast, King's private database is a modification of the public database. As to claim 5, it is allowable as it depends from allowable claim 1. The corresponding claims are also allowable. Withdrawal of the rejection of these dependent claims is requested.

III.   CLAIMS 6-8 AND 16-18 ARE PATENTABLE OVER BYRNE, MCLAUCHLIN IN
        VIEW OF GIESELMANN.

Claims 6-8 and 16-18 were rejected under 35 U.S.C. 103(a) as unpatentable over Byrne in view of McLauchlin as applied to claims 2 and 12, and further in view of Gieselmann. Gielselmann discloses steps for the initial registration of the company by one of its employees. In step 63 the registration control program 6 prompts the user to input company specific data and an unique company ID. For example the VAT-Number of the company i can be utilized as a unique identifier or the DUNS-Number of the company. The DUNS (a unique number assigned by Dun & Bradstreet Corp.) number can be validated using Dun & Bradstreet Corp. Modulus Ten Check Digit. algorithm for the ninth digit. However, Gieselmann's DUNS numbers do not correspond to the claimed CCR as the CCR contains information not available in DUNS and thus the combination is inappropriate. Withdrawal of the rejection of these dependent claims is requested.

VI.   CLAIMS 9 AND 19 ARE PATENTABLE OVER BYRNE, MCLAUCHLIN AND
        GOODMAN.

Claims 9 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin and Gieselmann as applied to claims 6 and 16 above, and further in view of Goodman, which shows a a remote transactional and tracking software protocol which is able to transfer the purchase and tracking transactions from one Internet site, a retail site, to another Internet site, the referring or "host" site, the latter operating as a virtual retail site. Using this protocol, the owner of a web browser or content site can sell items over the Internet without storing, stocking or shipping the items. Using a listing of products or services for sale, the content site owner transfers prospective purchasers who visit the content site to a retail site for inspection of the goods and to acquire additional information about the retailer's products. However, upon the commencement of a transaction on the retailer's site, the protocol routs the financial information and payment to the content (or referring) site, while separating and sending the delivery information to the retail site. However, Goodman and the other references do not show the specifics of claim 1 or 11, further do not show using the CCR data to Register Vendors, Search and Select Vendors for solicitation of services and/or delivery of supplies; View Vendor Profile; Search Vendor Profile; or Electronically Transfer Funds for outstanding account payable as well as receiving as a search parameter one or more of the following: Business Name; DUNS and CAGE

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Code; Socio Economic Factors; Business Type; Geographic Location; and NAICS/SIC Code.
Withdrawal of the rejection of these dependent claims is requested.

V.   CLAIMS 10 AND 20 ARE PATENTABLE OVER BYRNE, MCLAUCHLIN, GIESELMANN, KING AND MUSCAVAGE

Claims 10 and 20 were rejected under 35 U.S.C. 103(a) as unpatentable over Byrne in view of McLauchlin and Gieselmann as applied to claims 6 and 16, and further in view of King and Mascavage. Mascavage shows funds transfers between the user and FTS accounts and between the FTS and merchant accounts during a purchase. However, the references do not show the specific elements and their relationship and such combination would not provide the specific structure and connections between the claimed structures of:

> means for retrieving CCR public data and private data;
>
> means for determining the vendor's business name and mailing address from the public data;
>
> means for determining the vendor's electronic fund transfer (EFT) information from the private data; and
>
> means for using the EFT information to pay the vendor.

The combination is an impermissible reconstruction of the instant invention using hindsight from the teachings of the present application. Moreover, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (Claims were directed to an apparatus for producing an aerated cementitious composition by drawing air into the cementitious composition by driving the output pump at a capacity greater than the feed rate. The prior art reference taught that the feed means can be run at a variable speed, however the court found that this does not require that the output pump be run at the claimed speed so that air is drawn into the mixing chamber and is entrained in the ingredients during operation. Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).

There was no reasonable expectation of success when combining the references. Evidence showing there was no reasonable expectation of success may support a conclusion of nonobviousness. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976) (Claims directed to a method for the commercial scale production of polyesters in the presence of a solvent at superatmospheric pressure were rejected as obvious over a reference which taught the claimed method at atmospheric pressure in view of a reference which taught the claimed process except for the presence of a solvent. The court reversed, finding there was no reasonable expectation that a process combining the prior art steps could be successfully scaled up in view of unchallenged evidence showing that the prior art processes individually could not be commercially scaled up successfully.). *See also Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207-08, 18 USPQ2d 1016, 1022-23 (Fed. Cir.), cert. denied, 502 U.S. 856 (1991) (In the context of a biotechnology case, testimony supported the conclusion that the references did not show that there was a reasonable expectation of success.); *In re O'Farrell*, 853 F.2d 894, 903, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988) (The court held the claimed method would have been obvious over the prior art relied upon because one reference contained a detailed enabling methodology, a suggestion to modify the prior art to produce the claimed invention, and evidence suggesting the modification would be successful.).

Applicants have provided evidence pointing away from obviousness and in accordance with MPEP Section 2143.01:

> If the examiner determines there is factual support for rejecting the claimed invention under 35 U.S.C. 103, the examiner must then consider any evidence supporting the patentability of the claimed invention, such as any evidence in the specification or any other evidence submitted by the applicant. The ultimate determination of patentability is based on the entire record, by a preponderance of evidence, with due consideration to the persuasiveness of any arguments and any secondary evidence. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The legal standard of "a preponderance of evidence" requires the evidence to be more convincing than the evidence which is offered in opposition to it. With regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a prima facie case of obviousness) is more probable than not.
>
> When an applicant submits evidence, whether in the specification as originally filed or in reply to a rejection, the examiner must reconsider the patentability of the claimed invention. The decision on patentability must be made based upon consideration of all the evidence, including the evidence submitted by the examiner and the evidence submitted by the applicant. A decision to make or maintain a rejection in the face of all the evidence must show that it was based on the totality of the evidence. Facts established by rebuttal evidence must be evaluated along with the facts on which the conclusion of obviousness
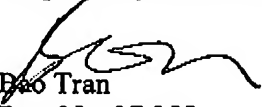
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was reached, not against the conclusion itself. In re Eli Lilly & Co., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990).

In sum, none of the references can render independent claim unpatentable, and similarly cannot render any of the dependent claims unpatentable.

CONCLUSION

Applicant requests allowance of all claims. If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

Bao Tran
Reg. No. 37,955

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CLAIMS APPENDIX

1. (Previously Presented) A system to support an electronic market place, comprising:

a communication network to communicate purchase requests;

one or more buyers coupled to the network to issue a purchase order specifying items from two or more suppliers; and

a server coupled to the network to receive the purchase order, the server accessing a Central Contract Registry (CCR) for supplier data and generating sub-orders from the purchase order and sending the sub-orders to the two or more suppliers for fulfillment and paying the suppliers based on CCR data.

2. (Previously Presented) The system of claim 1, further comprising

means for receiving an acceptance from a vendor;

means for accessing data from a CCR Database to retrieve vendor payment data; and

means for paying the vendor using the CCR database.

3. (Original) The system of claim 2, further comprising means for keeping a local copy of the CCR database in a system database.

4. (Original) The system of claim 2, further comprising means for importing the CCR data into a public data storage and a private data storage.

5. (Original) The system of claim 4, wherein the importing means further comprises means for transferring data over a secure protocol.

6. (Previously Amended) The system of claim 2, further comprising means for using the CCR data to Register Vendors, Search and Select Vendors for solicitation of services and/or delivery of supplies; View Vendor Profile; Search Vendor Profile; or Electronically Transfer Funds for outstanding account payable.

7. (Previously Presented)The system of claim 6, wherein the vendor registration further comprises means for validating the vendor's DUNS/CAGE data and contact data in the CCR.

8. (Original) The system of claim 6, wherein the view vendor profile further comprises means for displaying Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; or NAICS/SIC Code.

9. (Original) The system of claim 6, wherein the search vendor profile further comprises means for receiving as a search parameter one or more of the following: Business   -

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15. (Original) The method of claim 14, wherein the importing further comprises transferring data over a secure protocol.

16. (Previously Amended) The method of claim 12, further comprising using the CCR data to Register Vendors, Search and Select Vendors for solicitation of services and/or delivery of supplies; View Vendor Profile; Search Vendor Profile; or Electronically Transfer Funds for outstanding account payable.

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17. (Previously Amended) The method of claim 16, wherein the vendor registration further comprises validating the vendor's DUNS/CAGE data and contact data in the CCR.

18. (Original) The method of claim 16, wherein the view vendor profile further comprises displaying Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; or NAICS/SIC Code.

19. (Original) The method of claim 16, wherein the search vendor profile further comprises receiving as a search parameter one or more of the following: Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; and NAICS/SIC Code.

20. (Original) The method of claim 16, further comprising

    retrieving CCR public data and private data;

    determining the vendor's business name and mailing address from the public data;

    determining the vendor's electronic fund transfer (EFT) information from the private data; and

    using the EFT information to pay the vendor.

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12. (Previously Amended)The method of claim 11, further comprising

    receiving an acceptance from a vendor;

    accessing data from a Central Contract Registry (CCR) Database to retrieve vendor payment data; and

    paying the vendor using the CCR database.

13. (Original) The method of claim 12, further comprising keeping a local copy of the CCR database in a system database.

14. (Original) The method of claim 12, further comprising importing the CCR data into a public data storage and a private data storage.

15. (Original) The method of claim 14, wherein the importing further comprises transferring data over a secure protocol.

16. (Previously Amended) The method of claim 12, further comprising using the CCR data to Register Vendors, Search and Select Vendors for solicitation of services and/or delivery of supplies; View Vendor Profile; Search Vendor Profile; or Electronically Transfer Funds for outstanding account payable.

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CLAIMS APPENDIX

1.   (Previously Presented) A system to support an electronic market place, comprising:

a communication network to communicate purchase requests;

one or more buyers coupled to the network to issue a purchase order specifying items from two or more suppliers; and

a server coupled to the network to receive the purchase order, the server accessing a Central Contract Registry (CCR) for supplier data and generating sub-orders from the purchase order and sending the sub-orders to the two or more suppliers for fulfillment and paying the suppliers based on CCR data.

2.   (Previously Presented) The system of claim 1, further comprising

means for receiving an acceptance from a vendor;

means for accessing data from a CCR Database to retrieve vendor payment data; and

means for paying the vendor using the CCR database.

3.   (Original) The system of claim 2, further comprising means for keeping a local copy of the CCR database in a system database.

4.   (Original) The system of claim 2, further comprising means for importing the CCR data into a public data storage and a private data storage.

5.   (Original) The system of claim 4, wherein the importing means further comprises means for transferring data over a secure protocol.

6.   (Previously Amended) The system of claim 2, further comprising means for using the CCR data to Register Vendors, Search and Select Vendors for solicitation of services and/or delivery of supplies; View Vendor Profile; Search Vendor Profile; or Electronically Transfer Funds for outstanding account payable.

7.   (Previously Presented) The system of claim 6, wherein the vendor registration further comprises means for validating the vendor's DUNS/CAGE data and contact data in the CCR.

8.   (Original) The system of claim 6, wherein the view vendor profile further comprises means for displaying Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; or NAICS/SIC Code.

9.   (Original) The system of claim 6, wherein the search vendor profile further comprises means for receiving as a search parameter one or more of the following: Business

17. (Previously Amended) The method of claim 16, wherein the vendor registration further comprises validating the vendor's DUNS/CAGE data and contact data in the CCR.

18. (Original) The method of claim 16, wherein the view vendor profile further comprises displaying Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; or NAICS/SIC Code.

19. (Original) The method of claim 16, wherein the search vendor profile further comprises receiving as a search parameter one or more of the following: Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; and NAICS/SIC Code.

20. (Original) The method of claim 16, further comprising

retrieving CCR public data and private data;

determining the vendor's business name and mailing address from the public data;

determining the vendor's electronic fund transfer (EFT) information from the private data; and

using the EFT information to pay the vendor.

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EVIDENCE APPENDIX
NONE

RELATED PROCEEDINGS APPENDIX
NONE

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Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic

Location; and NAICS/SIC Code.

10. (Original) The system of claim 6, further comprising

       means for retrieving CCR public data and private data;

       means for determining the vendor's business name and mailing address

       from the public data;

       means for determining the vendor's electronic fund transfer (EFT)

       information from the private data; and

       means for using the EFT information to pay the vendor.

11.   (Previously Amended) A computer-implemented method to fulfill an order,

comprising:

    receiving an electronic purchase order specifying items from two or more suppliers;

    accessing a Central Contract Registry (CCR) for data on the suppliers, and

    generating sub-orders from the purchase order and sending the sub-orders to two or more

suppliers for fulfillment.

12. (Previously Amended) The method of claim 11, further comprising

       receiving an acceptance from a vendor;

       accessing data from a Central Contract Registry (CCR) Database to retrieve vendor

payment data; and

       paying the vendor using the CCR database.

13. (Original) The method of claim 12, further comprising keeping a local copy of the CCR

    database in a system database.

14. (Original) The method of claim 12, further comprising importing the CCR data into a

    public data storage and a private data storage.

15. (Original) The method of claim 14, wherein the importing further comprises

    transferring data over a secure protocol.

16. (Previously Amended) The method of claim 12, further comprising using the CCR data

    to Register Vendors, Search and Select Vendors for solicitation of services and/or

    delivery of supplies; View Vendor Profile; Search Vendor Profile; or Electronically

    Transfer Funds for outstanding account payable.